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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
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9 JOHNNY L. MAYS,

10 Plaintiff,

11 v.

12 DEPARTMENT OF SOCIAL AND
13 HEALTH SERVICES, STATE OF
14 WASHINGTON,

15 Defendant.
16

No. 4:14-cv-05120-SAB

**ORDER DISMISSING
PLAINTIFF'S AMENDED
COMPLAINTS WITH
PREJUDICE**

17 In response to the Court's Order Dismissing Plaintiff's Complaint
18 with leave to amend, ECF No. 7, Plaintiff filed two Amended Complaints,
19 ECF No. 8, 12.

20 In his complaints, Plaintiff alleges that Defendant violated the
21 provisions of the Health Insurance Portability and Accountability Act of
22 1996 ("HIPPA"). Specifically, he alleges that Defendant failed to provide
23 him access to his medical records and cites to 45 C.F.R. § 164.524(b)(2)(ii).

24 In its previous Order, the Court instructed Plaintiff that HIPPA does
25 not provide a private cause of action. This means that Plaintiff, as a private
26 individual, cannot bring a lawsuit that is based on HIPPA violations. As
27 such, it is appropriate to dismiss Plaintiff's complaint.

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**ORDER DISMISSING PLAINTIFF'S FIRST AMENDED COMPLAINT
WITH PREJUDICE ~ 1**

1 The allegations contained in the Amended Complaints are the same
2 allegations contained in Plaintiff's original Complaint. The Court declines
3 to grant leave to amend as it has been demonstrated that it will be futile. *See*
4 Fed. R. Civ. P. 15(a); *Amerisource Bergen Corp. v. Dialysist West, Inc.*, 465
5 F.3d 946, 951 (9th Cir. 2006) (holding that leave to amend need not be
6 granted where the amendment: (1) prejudices the opposing party; (2) is
7 sought in bad faith; (3) produces an undue delay in litigation; or (4) is
8 futile).

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. Plaintiff's Amended Complaint, ECF No. 7, is **dismissed**, with
11 prejudice.

12 2. Plaintiff's First Amended Complaint, ECF No. 12, is **dismissed**, with
13 prejudice.

14 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
15 file this Order, provide copies to Plaintiff, and close the file.

16 **DATED** this 27th day of April, 2015.



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A handwritten signature in blue ink that reads "Stanley A. Bastian".

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Stanley A. Bastian
United States District Judge